

S/N 10/749,736

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Amjad Hanif et al.	Examiner:	Susanna M. Meinecke Diaz
Serial No.:	10/749,736	Group Art Unit:	3623
Filed:	December 30, 2003	Docket No.:	2043.022US1
Title:	FEEDBACK CANCELLATION IN A NETWORK-BASED TRANSACTION FACILITY		

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The applicant requests review of the final rejection in the above-identified application.  
No amendments are being filed with this request.

This request is being filed with a Notice of Appeal, and review is requested for the reasons stated below:

Claims 1-7, 9-25 and 27-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaidyanathan et al. (U.S. Publication No. 2004/0128155; hereinafter Vaidyanathan) in view of Ratterman et al. (WO 01/61601A1; hereinafter Ratterman).

Claim 16 includes the following limitations:

*marking the feedback pertaining to the transaction as withdrawn if the one or more feedback cancellation criteria are satisfied; and*

*generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn.*

The following quote from Vaidyanathan is relevant:

[ 0111] If the process is automated or if the parties agree to reputation repair, similar processes reputation correction module 34D interacts with electronic marketplace 18 to automate the removal or correction of feedback initially provided by one or both of the parties (152).

The above quote describes a reputation correction module. Specifically, the reputation correction module is described as interacting with an electronic marketplace to remove or correct the feedback.

Claim 16 requires marking feedback pertaining to a transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn. Merely for example, “[i]n one embodiment, when a user requests to see all feedback left for some other user, cancelled feedback (if any) is displayed with a comment indicating that this feedback has been withdrawn” (Application, paragraphs 38, 71 and Figure 24).

In contrast to the limitations of claim 16, the above quote from Vaidyanathan, as indicative of Vaidyanathan in general, does not describe marking the feedback pertaining to the transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn; but rather, removing the feedback and correcting the feedback. Marking the feedback as withdrawn is not the same as removing the feedback (e.g., see Response to Non-Final Action mailed February 3, 2006, paragraph 6)

In response to the above argument the Final Office Action mailed July 28, 2006 states:

“The Examiner respectfully disagrees. Applicant admits that Vaidyanathan teaches “removing the feedback and correcting the feed back.” However, the Examiner takes issue with Applicant’s assertion that removing feedback is not the same as withdrawing feedback. Merriam-Webster’s Collegiate® Thesaurus (©1988) provides the word “remove” as the first listed synonym for the word “withdraw.” Other listed synonyms are “takeaway, take off, take out.” Therefore, the Examiner submits that removing feedback is synonymous with withdrawing feedback, thereby addressing the claimed withdrawal of feedback.”

Final Office Action mailed July 28, 2006

Applicants respectfully submit that the above response misstates Applicants’ argument. Applicants have not argued “removing feedback is not the same as withdrawing feedback,” but rather, *marking feedback as withdrawn* is not the same as removing the feedback. Merely for example, consider the following illustration:

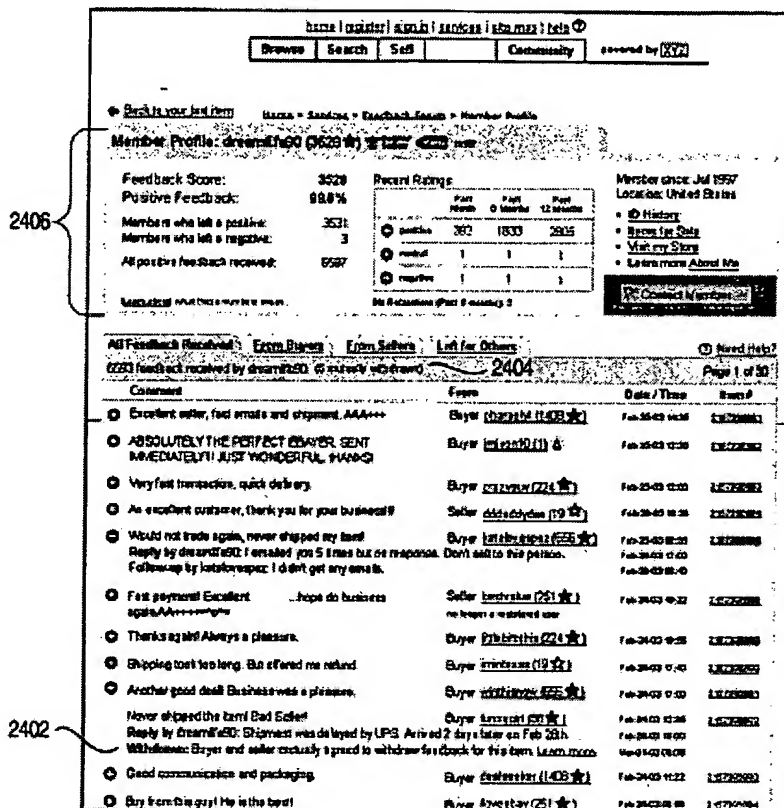


FIG. 24

Figure 24 includes a callout 2402 that identifies withdrawn feedback with the string “Withdrawn: Buyer and Seller mutually agreed to withdraw feedback for this item.” Marking the feedback as withdrawn requires the feedback not be removed. Further, the difference between marking a feedback as withdrawn and removing the feedback is not trivial. For example, potential buyers cannot evaluate feedback that has been removed. In contrast, potential buyers may evaluate feedback that has not been removed and is marked as withdrawn. Accordingly, the present invention as claimed provides a distinct advantage over the prior art towards creating an environment of credibility and trust by providing a buyer important information to make judgments.

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Page 4

Dkt: 2043.022US1

In summary, Vaidyanathan in combination with Ratterman does not teach or suggest each and every limitation of the independent claims of the present application under 35 U.S.C. § 103.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of September 2006.

Name Dawn R. Shaw

Signature 